UNITED STATES PATENT AND TRADEMARK OFFICE

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EXAMINER
CHEEMA, UMAR

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 May 2008*.
2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
　　 closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 3-8* is/are pending in the application.
　　 4a) Of the above claim(s) ＿＿＿ is/are withdrawn from consideration.
5)☐ Claim(s) ＿＿＿ is/are allowed.
6)☒ Claim(s) *1, 3-8* is/are rejected.
7)☐ Claim(s) ＿＿＿ is/are objected to.
8)☐ Claim(s) ＿＿＿ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on ＿＿＿ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　 a)☐ All b)☐ Some * c)☐ None of:
　　　　 1.☐ Certified copies of the priority documents have been received.
　　　　 2.☐ Certified copies of the priority documents have been received in Application No. ＿＿＿.
　　　　 3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　　　 application from the International Bureau (PCT Rule 17.2(a)).
　　 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　 Paper No(s)/Mail Date ＿＿＿.

4)☐ Interview Summary (PTO-413)
　　 Paper No(s)/Mail Date. ＿＿＿.
5)☐ Notice of Informal Patent Application
6)☐ Other: ＿＿＿.

DETAILED ACTION

Response to Amendment

1.   This action is response to the Amendment filed on 29 May 2008. Independent

claims 1, 3 and 6 have been amended. Claim 2 has been canceled without prejudice or

disclaimer. Accordingly, claims 1 and 3-8 remain pending.

Applicant's arguments, see remarks, filed 05/29/2008, with respect to 35 U.S.C §

101 rejection to claims 6-8 have been fully considered and are persuasive. The 35

U.S.C § 101 rejection of claims 6-8 has been withdrawn.

Response to Arguments

2.   Applicant's arguments with respect to claims, 1 and 3-8 have been considered

but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

    1.   Determining the scope and contents of the prior art.
    2.   Ascertaining the differences between the prior art and the claims at issue.
    3.   Resolving the level of ordinary skill in the pertinent art.
    4.   Considering objective evidence present in the application indicating
            obviousness or nonobviousness.

3.   Claims 1 and 2-8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Naik et al (Naik) (US 2006/0294238) in view of Burnett et al (Burnett) (US

2004/0225711) and further in view of Bishop et al (Bishop) (US 5,784,552).

Regarding claim 1, Naik substantially discloses the invention as claimed a network

comprising: plurality of computer systems; and a plurality of manager services, each

associated with one of the computer system (see par. 0048; figure 1; resource

managers) the manager services handling at least locating, reserving, allocating,

monitoring, and deallocating one or more computational resources, of the respective

associated computer system; the manager services: (see par. [0025-0032]; key

components of the present invention), upon receipt of a command requesting a

resource, loading new instructions to modify original instructions residing in a computer

system to modify the behavior of the one or more computational resources of the

computer system (see par. 0013, 0024-0025; routing of grid client request to the best

available grid resources); logging changes made to the computer system; including

modifications made to the original instructions by the new instructions; and reverting the

computer system to an original state including removing modifications made to the

original instructions, based on the logged changes, without restarting the computer

system (see par. [0032]; grid resource management system and client management

system).

        Naik substantially discloses the invention as claimed above for the given reason

however Naik does not explicitly disclose wherein said plurality of computer systems.

However in the same field of invention Burnett discloses wherein said plurality of computer systems (see abstract, par. 0011; a grid manager computer and grid computers utilizing a communications network). It would have been obvious to one of the ordinary skill in the art of networking to combine the teaching of Naik and Burnett for a maintainable grid Management system.

Naik and Burnett substantially disclose the invention as claimed for the reason above however do not explicitly discloses wherein logging changes made to the computer system; including modifications made to the original instructions by the new instructions; and reverting the computer system to an original state including removing modifications made to the original instructions, based on the logged changes. In the same field of invention Bishop discloses wherein logging changes made to the computer system; including modifications made to the original instructions by the new instructions; and reverting the computer system to an original state including removing modifications made to the original instructions, based on the logged changes (see figures 14-16 and the details related; col. 14, lines 9-43, also see figure 4-5 and the related details, col. 8, lines, 30-col. 9, line 28).

It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Naik and Burnett into Bishop for a maintainable grid management system. Motivation for doing so would have been the system provides the users of the grid with option to select between various levels of computer security, performance, and availability in performing jobs submitted to the grid (see Burnett: par. 0009).

Regarding claim 2 (Canceled).

Regarding claim 3, Naik substantially discloses the invention as claimed a method

comprising: receiving a message having a command for a service that handles locating,

reserving, allocating, monitoring, and deallocating one or more computational resources

for an application running on a computer in a network (see par. [0025-0032]; client

request manager, key components of the present invention); loading a first set of

instructions from a location remote from the service in response to the command (see

par. [0013-0014, 0128]; accessing remotely); replacing a portion of instructions for the

service with the first set of instructions; logging changes made to the computer,

including changes made to the portion of instructions for the service; executing the

service according to the first set of instructions (see par. [0034, 0036]); and reverting the

computer to an original state by removing the logged changes made to the computer.

Naik substantially discloses the invention as claimed above for the given reason

however Naik does not explicitly disclose wherein said replacing a portion of instructions

for the service with the first set of instructions. However in the same field of invention

Burnett discloses wherein said replacing a portion of instructions for the service with the

first set of instructions (see par. [0044]).

Naik and Burnett substantially disclose the invention as claimed for the reason

above however do not explicitly discloses wherein logging changes made to the

computer, including changes made to the portion of instructions for the service; and

reverting the computer to an original state by removing the logged changes made to the

computer. In the same field of invention Bishop discloses wherein logging changes

made to the computer, including changes made to the portion of instructions for the

service; and reverting the computer to an original state by removing the logged changes

made to the computer (see figures 14-16 and the details related; col. 14, lines 9-43, also

see figure 3-5 and the related details, col. 8, lines, 30-col. 9, line 28).

It would have been obvious to one of the ordinary skill person in the art of

networking to combine the teaching of Naik and Burnett into Bishop for a maintainable

grid management system. Motivation for doing so would have been the system provides

the users of the grid with option to select between various levels of computer security,

performance, and availability in performing jobs submitted to the grid (see Burnett: par.

0009).

Regarding claim 4, the limitations of this claim has already been addressed (see claim 3

above).

Regarding claim 5, Naik discloses the method of claim 3 further comprising: modifying a

relationship between the service and a second service in response to the command

(see par. [0124]), wherein the second service comprises locating, reserving, allocating,

monitoring, and deallocating one or more computational resources for an application

running on a computer in the network (see par. [0025-0032]; key components of the

present invention).

Regarding claim 6, Naik substantially discloses the invention as claimed a computer program product stored on a computer-readable storage device, the computer program product having instructions operable, when executed by a processor, to cause a data processing apparatus to perform a method, comprising (see pg. 1, par [0011]): receiving a message having a command for a service comprises locating, reserving, allocating, monitoring, and deallocating one or more computational resources for an application running on a computer in a network (see pg. 2-3, par. [0025-0032]; client request manager, key components of the present invention); loading a first set of instructions from a location remote from the service in response to the command (see par. 0013, 0024-0025; routing of grid client request to the best available grid resources); replacing a portion of instructions for the service with the first set of instructions; logging changes made to the computer, including changes made to the portion of instructions for the service; executing the service according to the first set of instructions (see pg. 3, par. [0036]); and reverting the computer to an original state by removing the logged changes made to the computer.

Naik substantially discloses the invention as claimed above for the given reason however Naik does not disclose wherein said a computer program product tangibly embodied in a computer-readable storage device and replacing a portion of instructions for the service with the first set of instructions. However in the same field of invention Burnett discloses wherein said a computer program product tangibly embodied in a computer-readable storage device (see par. 0013; a computer medium is disclosed that

tangibly embodies a program of instructions) and replacing a portion of instructions for the service with the first set of instructions (see par. [0044]).

Naik substantially discloses the invention as claimed above for the given reason however Naik does not disclose wherein said replacing a portion of instructions for the service with the first set of instructions. However in the same field of invention Burnett discloses wherein said replacing a portion of instructions for the service with the first set of instructions (see par. [0044]).

Naik and Burnett substantially disclose the invention as claimed for the reason above however do not explicitly discloses wherein logging changes made to the computer, including changes made to the portion of instructions for the service; and reverting the computer to an original state by removing the logged changes made to the computer. In the same field of invention Bishop discloses wherein logging changes made to the computer, including changes made to the portion of instructions for the service; and reverting the computer to an original state by removing the logged changes made to the computer (see figures 14-16 and the details related; col. 14, lines 9-43, also see figure 3-5 and the related details, col. 8, lines, 30-col. 9, line 28).

It would have been obvious to one of the ordinary skill person in the art of networking to combine the teaching of Naik and Burnett into Bishop for a maintainable grid management system.Motivation for doing so would have been the system provides the users of the grid with option to select between various levels of computer security, performance, and availability in performing jobs submitted to the grid (see Burnett: par. 0009).

Regarding claim 7, the limitations of this claim has already been addressed (see claim 6 above).

Regarding claim 8, Naik discloses the computer program product of claim 6 wherein the computer program product is further operable to cause a data processing apparatus to modify a relationship between the service and a second service in response to the command (see par. [0124]), wherein the second service comprises locating, reserving, allocating, monitoring, and deallocating one or more computational resources for an application running on a second computer in the network (see par. [0025-0032]; key components of the present invention).

4.   **Examiner's Note**: Examiner has cited particular paragraphs, figures, columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Prior Art of Record

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure. Please see the form PTO-892 (Notice of Cited Reference) for a

list of more relevant prior arts.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to UMAR CHEEMA whose telephone number is (571)270-

3037. The examiner can normally be reached on M-F 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William Jr. Vaughn can be reached on 571-272-3922. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

uc
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